

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3793 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

VIRABHAI SENDHABHAI BHARVAD

Versus

PROJECT OFFICER

Appearance:

None present for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/07/2000

ORAL JUDGEMENT

1. Perused the Special Civil Application and the judgement of this Court in the Special civil Application No.2074 of 1987 decided on 2/4/1999 (Coram: S.D. Dave,

J.). This Special Civil Application was ordered to be heard with the Special civil Application No.2074 of 1987.

2. The court has granted interim relief in favour of the petitioner and that continues till this day. Nobody is present on behalf of either of the parties to say otherwise. Prayer has been made by the petitioner for direction to the respondents to make him a permanent employee from 1st of December, 1977. Further prayer has been made for directing respondents to give all the arrears of the difference of salary and other increments and perquisites admissible under the rules to the permanent employees to the petitioner.

3. The petitioner, as per his case, was appointed as Nandi Sevak on 1st December, 1977, as a Daily Wager. It is the case of the petitioner that he was given orders of appointment from time to time and the last order is dated 31st May, 1987 and is continuing as a Nandi Sevak. In the Special Civil Application No.2074 of 1987 also, the petitioner therein made identical grievances. The petitioners therein despite their long span of service, the department has continued them as Rojamdars and their services have not been regularised. That petition has been decided and it is ordered that the petitioners may approach the respondent by making individual representation placing reliance upon the decision of the court, in the case of GSRTC Vs. Workmen of S.T. Corporation 1999(1) GLH, page-760 and urges for their regularisation. This was ordered to be done within a period of 3 weeks from the date of receipt of the certified copy of the order. The court has further ordered that if that is done, the concerned respondents shall decide it properly within a period of 8 weeks thereafter and the outcome thereof shall be communicated to each of the petitioners individually, under registered post A.D. The court has given the liberty to the petitioner in case the outcome of the exercise aforesaid is adverse to them, once again by taking out appropriate proceedings.

4. This matter is squarely covered by the aforesaid decision. The Special Civil Application is disposed of in terms that the petitioner for the grievances made in the Special Civil Application may file a detailed representation to the respondents within a period of 3 weeks from the date of receipt of certified copy of this order. If such a representation is made, then the respondents to decide the same in accordance with the law within a period of two months thereafter. Where the grievances made in the representation by the petitioner

are not acceptable, then a reasoned order may be passed and a copy of the same may be sent to the petitioner by Registered Post A.D. The petitioner is a poor person and in case where outcome of this exercise comes adverse to him, liberty is granted to him for the revival of this Special Civil Application. Interim relief granted in this matter shall continue till the decision of the representation of the petitioner. The Special Civil Application and Rule stand disposed of accordingly with no order as to costs.

(S.K. Keshote, J.)
(kamlesh)